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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,878	12/20/2000	Ben Smeets	47253-00016	7882

7590 11/18/2003

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Dallas, TX 75202

EXAMINER

NGO, CHUONG D

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 11/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/742,878

Applicant(s)

SMEETS, BEN

Examiner

Chuong D Ngo

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8. 6) ☐ Other: \_\_\_\_\_

## DETAIL OF ACTION

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in European Patent Office on 12/22/1999. It is noted, however, that applicant has not filed a certified copy of the European patent application as required by 35 U.S.C. 119(b). The copy of the European patent application which was filed with the US patent application does not have any seal and/or ribbon.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In particular, the claims recite a self-clocked controlled pseudo random noise sequence generation including a step pattern selection, and which selection, as disclosed, is based on prior clocking signals  $C_{t-1}^k$  and step control signal  $u_t^k$  (see figure 3). However, the specification only mentions that the step control signal  $u_t^k$  preferable depends on the clocking signals  $C_t^k$ , but fails to adequately disclose how the step control signal  $u_t^k$  are derived and obtained. Thus,

a person of ordinary skill in the art, without an adequate teaching of how to derive and obtain the step control signal  $u_1^k$ , would take an undue amount of experimentation to make and use the claimed invention.

4. Claims 2-6 and 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 2, the recitation "a combined value" is indefinite as to what it is and what are combined. Claim 12 also has the same problem.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1,7,9-1,17,19 and 20 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by applicant's admission of prior art disclosed in disclosed on pages 2-4 and figure 1 of the present application.

As per claims 1,9,10,11,19 and 20, applicant's admitted prior art disclosed on pages 2-4 and illustrated in figure 1 disclosed a self-clocked controlled pseudo random noise sequence generation used in a mobile telephone system, including a plurality of m-sequence generator units (104) for outputting a plurality of sequence values <sup>®</sup> based on a plurality of clock values (103), and a step patten generator (102) for selecting (generating) a step pattern having the plurality of clock values from a plurality of possible step patterns on the basis of a step pattern select signal (101) as claimed.

As per claims 7 and 17, the admitted prior art also discloses the plurality of possible step pattern as claimed (see page 4, lines 6-7).

8. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admission of prior art disclosed in disclosed on pages 2-4 and figure 1 of the present application in view of Glitz (4,032,764).

The admitted prior art also discloses a function generating unit for combined the plurality of sequence values (page 2, lines 20-23 and page 3, lines 24-28), but does not specify the combination being a MOD2 addition. However, Glitz discloses in figures 1 and 7A the combination of a plurality of sequence values by MOD2 addition to generate a sequence (ZBF) with a longer period duration (see col. 8 , line 58 to col. 9, line 5). Thus, a person of ordinary

skill in the art would have found it obvious to combine of a plurality of sequence values in the admitted prior art by MOD2 addition as disclosed by Glitz in order to extend the period duration of the output sequence.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong D. Ngo whose telephone number is (703) 305-9764. The examiner can normally be reached on Monday-Friday from 7:30 AM to 6:00 PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Chuong D. Ngo  
Primary Examiner  
Art Unit 2124

11-14-2003